

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22309 of 2006

Dated: 30-10-2006

Between:

Sunkari Prasad.

..... PETITIONER

AND

The Revenue Divisional Officer, Kadapa District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.22309 of 2006

ORDER:

The petitioner is resident of Porumamilla Mandal in Kadapa District. He alleges that his father purchased land admeasuring Ac.1.00 in survey No.21/1 situated at Markapuram Village of Porumamilla Mandal under registered sale deed. It is also the allegation of the petitioner that at the instance of respondent No.3, respondent No.2 initiated action under the Andhra Pradesh Land Encroachment Act, 1905 (the Act, for brevity) and issued notice under Section 7 of the Act on 13-10-2006. The petitioner sent reply on 16-10-2006. Respondent No.2 then passed orders on 24-10-2006 under Section 6 of the Act directing the encroachment allegedly made by the petitioner to be removed, aggrieved by which present writ petition is filed.

Learned counsel for the petitioner submits that as respondent No.2 failed to consider the explanation submitted by the petitioner and also failed to consider the registered document, notwithstanding the remedy of appeal under Section 10 of the Act, this writ petition would be maintainable. Learned Assistant Government Pleader for Revenue (General-A) opposes this placing reliance on Section 10 of the Act.

This Court at this stage is not inclined to interfere in the matter as the petitioner has an effective alternative remedy. The petitioner may approach the Revenue Divisional Officer, respondent No.1, and file appeal within a period of one week from the date of receipt of a copy of this order and also obtain appropriate orders of stay.

The writ petition, with the above observations, is accordingly dismissed. No costs.

V.V.S.RAO, J

30th October, 2006

ghn